U.S. DEPARTMENT OF COMMERCE
National Technical Information Service
PB-296 694

Air Pollution Regulations in State Implementation Plans California, Sierra County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

Aug 78

PB 296694

United States
Environmental Protection
Agency

Office of Air Quality
Planning and Standards
Research Triangle Park NC 27711

EPA-450/3-78-054-37
August 1978

Air

EPA

Air Pollution Regulations in State Implementation Plans:

California

Sierra County

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NATIONAL TECHNICAL
INFORMATION SERVICE
U. S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

TECHNICAL REPORT DATA
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1. REPORT NO.	2.	3. RECIPIENT'S ACCESSION NO.
EPA-450/3-78-054-37		PB 296 694

4. TITLE AND SUBTITLE	5. REPORT DATE
Air Pollution Regulations in State Implementation Plans: California Sierra County	August 1978
	6. PERFORMING ORGANIZATION CODE
7. AUTHOR(S)	8. PERFORMING ORGANIZATION REPORT NO.
9. PERFORMING ORGANIZATION NAME AND ADDRESS Walden Division of Abcor, Inc. Wilmington, Mass.	10. PROGRAM ELEMENT NO.
	11. CONTRACT/GRANT NO. 68-02-2890
12. SPONSORING AGENCY NAME AND ADDRESS Control Programs Development Division Office of Air Quality Planning and Standards Office of Air, Noise, and Radiation Research Triangle Park, NC 27711	13. TYPE OF REPORT AND PERIOD COVERED
	14. SPONSORING AGENCY CODE

15. SUPPLEMENTARY NOTES
EPA Project Officer: Bob Schell, Control Programs Development Division

16. ABSTRACT
This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

17. KEY WORDS AND DOCUMENT ANALYSIS

a. DESCRIPTORS	b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group
Air pollution Federal Regulations Pollution State Implementation Plans		

18. DISTRIBUTION STATEMENT	19. SECURITY CLASS *(This Report)*	21. NO. OF PAGES
RELEASE UNLIMITED	Unclassified	44
	20. SECURITY CLASS *(This page)*	22. PRICE PC A03 / MF A01
	Unclassified	

EPA Form 2220-1 (9-73)

EPA-450/3-78-054-37

Air Pollution Regulations in State Implementation Plans:

California

Sierra County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

SIERRA COUNTY (APCD)

Submittal Date	Approval Date	Description
1/10/75	8/22/77	Rules 101, 102, 201-216, 301-323, 405-409, 601-620 17-26 originally approved, still in effect.

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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SIERRA COUNTY AIR POLLUTION CONTROL DISTRICT RULES AND REGULATIONS

(2.0) Rule 101 Title:

These rules and regulations shall be known as the Rules and regulations of the Sierra County Air Pollution Control District.

(1.0) Rule 102 Definitions:

Except as otherwise specifically provided in these Rules, and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in the Health & Safety Code of the State of Californina.

A. Air Pollution Control Officer. The Air Pollution Control Officer of the Air Pollution Control District of Sierra County.

B. Agricultural Burning. Any open outdoor fire used in agricultural operations in the growing of crops or raising of fowls or animals, or in forest management or range-improvement; or used in the improvement of land for wildlife and game habitat.

C. Agricultural Operation. The growing and harvesting of crops, or raising of fowls or animals for the primary purpose of making a profit, or providing a livelihood, or the conduction of agricultural research or instruction by an education institution.

D. Agricultural Wastes. Are (a) unwanted or unsellable materials produced wholly from agricultural operations and, (b) materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, such as fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the field. This does not include, however, such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like.

E. Air Contaminant or Pollutant. Includes smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

F. Alteration. Any adddition to, enlargement of, replacement of or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of equipment or control apparatus, which will significantly increase or affect the kind or amount of air contaminants emitted.

G. Approved Ignition Devices. Means those instruments or materials that will ignite open fires without the production of black smoke by the ignition device. This would include such items as liquid petroleum (L.P.G.), butane, propane, or diesel oil burners; or flares; or other similar material as approved by the Air Pollution Control Officer. This does not include tires, tar, tar paper, oil and other similar materials.

H. A.R.B. The State Air Resources Board, or any person authorized to act on its behalf.

I. Atmosphere. The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emissions into the building shall be considered to be an emission into the atmosphere.

J. Board. The Sierra County Air Pollution Control Board.

K. Brush Treated. Vegetation that has been felled, crushed or up-rooted with mechanical equipment, or has been desiccated with herbicides.

L. Combustible or Flammable Wastes. Means any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any combustible or flammable refuse material.

M. Combustion Contaminant. Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or the combined state.

N. Condensed Fumes. Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, or generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborne particles.

O. Designated Agency. Any agency designated by the ARB and the Sierra County Air Pollution Control District as having authority to issue Agricultural Burn Permits.

P. District. The Air Pollution Control District of Sierra County.

Q. Dust. Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

R. Emission. The act of releasing or discharging air contaminants into the ambient air from any source.

S. Emission Data. The measured or calculated concentrations or weights of air contaminants emitted into the ambient air. Data used to calculate emission data are not emission data.

T. Emission Point. The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.

U. Flue. Any duct or passage for air, gases or the like, such as a stack or chimney.

V. Forest Management Burning. The use of open fires, as part of a forest management practice, to remove forest debris. Forest Management practices include timber operations, silvicultural practices or forest protection practices.

W. Fossil Fuel-fired Steam Generator. A furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer. "Fossil Fuel" means natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such naturally occurring hydrocarbons.

X. Hearing Board. The appellate review board of the Sierra County Air Pollution Control District as provided for in the Health and Safety Code of the State of California.

Y. Incineration. An operation in which combustion is carried on for the principal purpose or with the principal result of oxidizing a waste material to reduce its bulk or facilitate its disposal.

Z. Incinerator. Any furnace or other closed fire chamber used to dispose of combustible waste by burning and from which the products of combustion are directed through a flue or chimney.

AA. Installation. The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.

BB. Institutional Facility. Any hospital, boarding home, school or like facility.

CC. Multiple Chamber Incinerator. Any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts employing adequate design parameters necessary for maximum combustion of material to be burned.

DD. No-Burn Day. Any day on which agricultural burning is prohibited by the ARB.

EE. Open Outdoor Fire. The combustion of any combustible material of any type, outdoors in the open air, where the product of combustion is not directed through a flue.

FF. Operation. Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical properties of a material.

GG. Orchard or Citrus Heaters. Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

HH. Owner or Operator. Any person who owns, leases, operates, controls, or supervises an affected facility, or a stationary source of which an affected facility is a part.

II. Particulate Matter. Any material except uncombined water which exists in a finely divided form as a liquid or solid at standard conditions.

JJ. Permissive Burn Day. Any day on which agricultural burning is not prohibited by the ARB.

KK. Person. Any person, form, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user or owner, any government agency or public district or any officer or employee thereof.

LL. PPm. Parts per million by volume expressed on a dried gas basis.

MM. Process Weight Per Hour. The total weight, including contained moisture, of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. (The Process Weight Per Hour will be derived by dividing the total Process Weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.)

NN. Public Record. Means any record made available to the public by law containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except "trade secrets" as defined in Rule 409 C, Regulation IV.

OO. Range Improvement Burning. The use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

PP. Record. A permanent document composed by handwriting, typewriting, printing, photostating, photographing, or any other similar means of communication or representation, that utilizes letters, words, graphics, pictures, sounds, or symbols, or any combination thereof. Included are all papers, maps, magnetic and paper tapes, photographic films and prints, magnetic or punched cards, drums, and other documents.

QQ. Residential Rubbish. Rubbish originating from a single or two family dwelling on its premises, limited to the following material: wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

RR. Source Operation. The last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel, and (b) is not an air pollution abatement operation.

SS. Section. A section of the Health and Safety Code of the State of California unless otherwise specifically mentioned.

TT. Silvicultural Practices. The establishment, development, care and reproduction of stands of timber.

UU. Solid Waste Dump. Any accumulation of solid waste for the purpose of final disposal.

VV. Standard Conditions. As used in these regulations, "Standard Conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.

WW. Standard Cubic Foot of Gas. The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.

XX. Tahoe Basin. That area, within the State of California, as defined by the California Nevada Interstate Compact, Article II, Paragraph C, as contained in Section 5976 of the State Water Code.

YY. Timber Operations. Cutting or removal of timber or other forest vegetation.

ZZ. Total Reduced Sulfur (TRS). Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.

AAA. Regulation. One of the major subdivisions of the Rules of the Sierra County Air Pollution Control District.

BBB. Rule. A rule of the Sierra County Air Pollution Control District.

(2.0) Rule 201 District-Wide Coverage.

Prohibitions, as set forth in this Regulation, shall apply in all portions of the Sierra County Air Pollution Control District unless otherwise stated.

(50.1.2) Rule 202 Visible Emissions.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

(1) as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(2) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (1) of this section.

(2.0) Rule 203 Exceptions.

The provision of Rule 202 does not apply to:

(a) Smoke from fires set or permitted by any public fire officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

(1) for the purpose of the prevention of a fire or health hazard as determined by the Health Officer, which cannot be abated by any other means; or

(2) the instruction of public employees and/or volunteer firemen in the methods of fighting fires.

(b) Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fires.

(c) Open outdoor fires used for recreation purposes or for cooking of food for human consumption.

(d) The use of an experimental device, system or method to study or research open burning authorized by Chapter 10 of Division 26 of the California Health and Safety Code and these Rules and Regulations.

(e) Agricultural Operations: in the growing of crops or raising of fowl or animals.

(f) Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops, or the raising of fowl or animals.

(g) The use of other equipment in agricultural operations in the growing of crops, or the raising of fowl or animals.

(h) Orchard or citrus grove heaters that are on the approved list published by the State Air Resources Board. (Section 39298.7)

(i) Smoke from fires set pursuant to Burn Permits issued by the Air Pollution Control Officer for the purpose of open burning.

(j) Emission which result from equipment breakdown, subject to the conditions of Rule 404.

(50.1.2) Rule 204 Wet Plumes.

Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Rule 202, that Rule shall not apply. The burden of proof which establishes the application of this rule shall be upon the person seeking to come within its provisions.

(50.7) Rule 205 Nuisance.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property.

Exception: The provisions of Rule 205 do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.

(51.9) Rule 206 Incinerator Burning.

Except for the burning of Residential Rubbish, as defined in Rule 102 QQ, a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Sierra County Air Pollution Control District except in a multiple-chamber incinerator as defined in Rule 102 CC or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

(50.1) Rule 207 Particulate Matter.

A person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, dust, fumes, or particulate matter emissions in excess of 0.1 grains per cubic foot of gas at standard conditions, except for incinerators and wood fired boilers which shall meet 0.2 grains per cubic foot of gas at standard conditions. Combustion contaminants shall be calculated at 12 percent of carbon dioxide (CO_2) at standard conditions.

(51.1) Rule 208 Orchard or Citrus Heaters.

(a) The following sections of the Health and Safety Code of the State of California, and any future amendments thereto, are part of these Rules and Regulations by reference: Section 39298.7 et.seq., Article 4, Chapter 10, Part 1, Division 26.

(b) All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. Whenever orchard heaters are burning, they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the orchard heaters.

(c) It shall be unlawful for any person, for the purpose of frost protection, to burn any rubber, rubber tires or other substance containing rubber, or to burn oil or other combustible substances in drums, pails, or other containers except orchard heaters.

(51.5) Rule 209 Fossil Fuel Steam Generator Facility.
(51.6)
(51.7) A person shall not build, erect, install or expand any fossil fuel fired steam generating facility unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

(a) 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2);

(b) 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);

(c) 10 pounds per hour of combustion contaminants as defined in Rule 102 M and derived from the fuel.

(50.2) Rule 210 Sulfur Emissions.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any one or more of the following contaminants, in any sulfur combination thereof, exceeding in concentration at the point of discharge:

(a) Sulfur compounds calculated as sulfur dioxide (SO_2), 0.2 percent, by volume;

(b) Total reduced sulfur: (Pending further investigation into a rule which will be applicable throughout the Mountain Counties Air Basin.)

(50.1.1) Rule 211 Process Weight Per Hour.

A person shall not discharge into the atmosphere from any source operaton dust and fumes in excess of that allowed on the table in Rule 212.

(50.1.1) Rule 212 Process Weight Table

ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate	Emission Rate
Lbs./Hr.	Lbs./Hr.
50	.4
100	.6
500	1.5
1,000	2.3
5,000	6.3
10,000	9.7
20,000	15.0
60,000	29.6
80,000	31.2
120,000	33.3
160,000	34.9
200,000	36.2
400,000	40.4
1,000,000	46.8

Interpolation of the data for the process weight rates up to 60,000 lbs/hr. shall be determined by the use of equation:

$$E = 3.59\ P^{0.62} \qquad P \leq 30 \text{ tons/hr.}$$

and interpolation of the data for process weight rates in excess of 60,000 lbs/hr. shall be determined by use of the equation:

$$E = 17.31\ P^{0.16} \qquad P > 30 \text{ tons/hr.}$$

Where: E = Emission in pounds per hour

P = Process weight rate in tons per hour

(51.16) Rule 213 Storage of Petroleum Products.

(a) The following sections of the State of California Health and Safety Code, and any future amendments thereto, are part of these Rules and Regulations by reference: Section 39068.2 et seq., Article 2, Chapter 3, Division 26.

(b) A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity, any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with equipment described in Section 39068.5 or Section 39068 or other equipment of equal efficiency, provided such equipment is approved by the Air Pollution Control Officer.

(51.21) Rule 214 Reduction of Animal Matter.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

(a) Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less than 0.3 seconds, or

(b) Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to the Rule shall provide, properly install and maintain in calibration, in good working order and in operation devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of the Rule "reduction" is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.

The provisions of the Rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(15.0) Rule 215 Enforcement.

The following section of the State of California Health and Safety Code, and any future amendments thereto, are part of these Rules and Regulations by reference: Section 24246, Article 3, Chapter 2, Division 20.

(2.0) Rule 216 Existing Sources.

In any case where this Regulation II imposes standards more stringent than the standards applicable to an existing source of emissions on (day before adoption of these regulations), and the source of emissions was

in compliance, under variance, or permit to construct, with the less restrictive standards applicable on such date, then the source shall remain in compliance with such rule, until modified as described below or until July 1, 1984, at which time the source shall conform to the new standards.

"Modification" is defined as any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which a rule applies) emitted by such facility or which results in the emission of any air pollutant (to which a rule applies) not previously emitted, except that:

1. Routine maintenance, repair, and replacement shall not be considered physical changes, and

2. The following shall not be considered a change in the method of operation:

   a) An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;

   b) An increase in hours of operation.

PROHIBITIONS AND EXCEPTIONS

(51.13) Rule 301 Open Outdoor Fires.

No person shall use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste or other combustible or flammable solid or liquid waste; or for metal salvage or burning of automobile bodies.

(2.0) Rule 302 Exceptions to Rule 301.

A. Except as otherwise provided in Rule 321, nothing in these Rules and Regulations shall be construed as limiting the authority granted under other provisions of law:

1. To any public fire officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

(a) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or;

(b) The instruction of public employees and/or volunteer firemen, in the methods of fighting fire, or;

(c) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in the methods of fighting fires.

2. To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

B. Except as otherwise provided in Rules 316, 317 and 318, nothing in these Rules and Regulations shall be construed as limiting the use of open fires for agricultural burning, as defined in Rule 102 B.

C. Open fires for the disposal of unsellable wood waste from property being developed for commercial or residential purposes. (See Rule 319)

D. Open fires for right-of-way clearing by a public entity or utility or for levee, ditch and reservoir maintenance. (See Rule 319)

E. Open fires for the burning of Residential Rubbish as defined in Rule 102 QQ.

F. Open fires for recreational purposes, such as the cooking of food for human consumption.

G. Open fires as authorized by ARB for the operation of a solid waste dump under variance. (Section 39397.4)

(3.0) (51.13) Rule 303 Burning Permits

A. No person shall knowingly set or permit open outdoor fires for:

1. Agricultural burning or hazard reduction burning unless that person has been issued a valid permit from a designated agency.

2. Levee, ditch, right-of-way or reservoir maintenance burning or the burning of wood waste on property where grown unless the person has been issued a valid permit from the Air Pollution Control Officer.

B. A permit shall not be issued to an applicant unless information is provided as required by the Sierra County Air Pollution Control District, such as:

1. Name and address of the permittee.

2. Location of the proposed burn.

3. Acreage or estimated tonnage of material to be burned.

4. The type of material to be burned.

5. Under what category burning will take place, i.e., agricultural, forest management, range improvement, wood waste on property where grown, or hazard reduction.

6. Distance to nearest residential area (in miles).

7. Reason for burning.

8. The permittee shall read the permit and sign same.

C. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 39298 OF THE HEALTH AND SAFETY CODE".

D. A permit shall not be issued to an applicant unless information is provided as required by the designated fire protection agency for fire protection purposes.

(2.0) Rule 304 Exceptions to Rule 303.

A. Open burning of agricultural waste in the growing of crops or raising of fowls or animals at altitudes above 3,000 feet mean sea level (msl) except in the Tahoe Basin, may be exempted.

B. Agricultural burning in areas above 6,000 feet (msl), with the exception of the Tahoe Basin, may be exempted.

(3.0) Rule 305 Permit Validity.

No permit shall be construed to authorize open outdoor fires for any day during which:

A. Agricultural burning is prohibited by the ARB

B. Open burning is prohibited by public fire control agencies for fire control or prevention.

(51.13) Rule 306 No-Burn Days.

No person shall knowingly permit agricultural burning, or burning of wood waste on property where grown or hazard reduction burning, or right-of-way clearing and levee, ditch and reservoir maintenance burning, on days when such burning is prohibited by the ARB.

(2.0) Rule 307 Exceptions to Rule 306.

A. The Air Pollution Control Officer may, by special permit, authorize:

1. Agricultural burning on days designated by the ARB as "no-burn days if the denial of such permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other district or fire control regulation. The applicant shall submit in writing his reasons for the exception. The Sierra County Air Pollution Control Officer may seek the advice of the County Agricultural Commissioner, the County Farm Advisory, or other informed sources.

2. The burning of empty sacks or containers which contained pesticides or other toxic materials on the premises where used.

B. Range improvement burning during the period between January 1 and May 31, providing that more than 50 percent of the land has been brush-treated.

C. Open burning of agricultural waste at altitudes above 3,000 feet (msl) except in the Tahoe Basin, may be exempted.

D. Agricultural burning in areas above 6,000 feet (msl), with the exception of the Tahoe Basin, may be exempted.

E. Upon special request from a permittee through a designated agency seven (7) days in advance of a specific range improvement burn below 6,00 feet (msl) or a specific forest management burn at elevations between 3,000 and 6,000 feet (msl), the ARB will issue an advisory outlook 72 hours in advance of the proposed burn, and a burn or no-burn notice up to 48 hours prior to the date of the proposed burn. The ARB may cancel any notice issued more than 24 hours in advance if necessary to maintain suitable air quality.

(13.0) (51.13) Rule 308 Burning Reports.

A. The name, location, type and amount of waste material burned daily must be reported to the designated agency within thirty (30) days following completion of the burn.

B. The designated agency shall forward information to the Sierra County Air Pollution Control Officer monthly.

(51.13) Rule 309 Amount Burned Daily.

Agricultural waste and other material shall be arranged so that it will burn with a minimum amount of smoke, and, except for large trees, only that amount that can reasonably be expected to completely burn within the following 24 hours shall be ignited in any one day.

(51.13) Rule 310 Approved Ignition Devices.

All open fires as authorized by this Regulation shall be ignited only with approved ignition devices as defined in Rule 102 C and the material to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

(51.13) Rule 311 Restricted Burning Days.

The Air Pollution Control Officer shall notify the designated agencies that a condition of restricted burning exists, if in his opinion the amounts being burned each day are creating significant degradation of the air quality. On days of restricted burning, the designated agencies shall restrict the acreage or tonnage of material to be burned under permit to the acreage or tonnage allocated to the designated agencies by the Air Pollution Control Officer. The Air Pollution Control Officer shall prorate the amounts to be burned to each agency based on the estimated number of acres or tonnage in the geographic area covered by the agency.

(51.13) Rule 312 Wind Direction.

Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance.

(51.13) Rule 313 Minimum Drying Times.

To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:

A. A minimum of three (3) days for straw and stubble.

B. Sufficient time for other agricultural waste such as orchard prunings, small branches, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke.

C. A minimum of six (6) weeks for trees, stumps, and large branches greater than six (6) inches in diameter.

(2.0) Rule 314 Exceptions to Rule 313.

The Air Pollution Control Officer may, by permit, authorize agricultural burning after shorter drying times if the denial of such permit would threaten imminent and substantial economic loss.

(51.13) Rule 315 Preparation of Material to be Burned.

A. No material shall be burned unless it is free of tires, rubbish, tar paper, construction debris, also reasonably free of dirt, soil and visible surface moisture.

B. Material stacked for burning shall not be burned unless it is loosely stacked in such a manner as to promote drying and insures combustion with a minimum amount of smoke.

OPEN BURNING CATEGORIES

(51.13) Rule 316 Burning of Agricultural Waste.

Rule 301 through Rule 315, inclusive, shall apply to the open burning of all agricultural waste.

(51.13) Rule 317 Range Improvement Burning.

A. Rule 301 through 315, inclusive, and the following sections of this rule shall apply to Range Improvement Burning.

B. Brush shall be treated (see Rule 102 K) at least six (6) months prior to the burn if economically and technically feasible.

C. Unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn.

D. Material should be windrowed or piled if economically and technically feasible.

E. If the burn is to be accomplished primarily for the improvement of land for wildlife and game habitat, the permit applicant shall obtain a written statement from the State Department of Fish and Game, certifying that the burn is desirable and proper.

(51.13) Rule 318 Forest Management Burning.

A. Rule 301 through 315, and the following sections of this rule, with the exception of Rule 313, shall apply to Forest Management Burning.

B. Waste material should be windrowed or piled where possible, unless good silvicultural practice (see Rule 102 TT) dictates otherwise.

C. Drying time shall be specified by the designated agency.

(51.13) Rule 319. Open Burning of Wood Waste on Property Where Grown.

This rule authorizes the use of open outdoor fires for the disposal of unsellable wood waste from property being developed for commercial or residential purposes when it is found to be more feasible than other methods of disposal, subject to the following conditions:

A. Rule 301 through Rule 315, inclusive, and the following section of this rule shall apply to open burning of wood waste on property where grown.

B. Unwanted trees over six (6) inches in diameter are to be felled and dried prior to the burn.

C. Wood waste shall be windrowed if economically and technically feasible.

D. Wood waste which is burned under this rule shall be limited to that grown on the property and free of other material.

E. This burning shall be conducted only on permissive burn days.

F. The Air Pollution Control Officer or staff shall review and sign all permits prior to the burning.

G. This rule shall terminate on January 1, 1977, subject to Section 39297.6 of the Health and Safety Code.

(51.13) Rule 320 Right-of-Way Clearing and Levee, Ditch and Reservoir Maintenance Burning.

A. Rule 301 through Rule 315, inclusive, shall apply to the use of fires for right-of-way clearing by a public entity or utility or for levee, ditch or reservoir maintenance.

B. This burning shall be conducted only on permissive burn days.

(51.13) Rule 321 Hazard Reduction Burning.

A. For purposes of this rule, "Hazard Reduction Burning" is burning authorized pursuant to Rule 302 A. 1(a).

B. Except as provided in Paragraph C, the following conditions shall apply to all open burning for purposes of hazard reduction:

1. Rule 301 through Rule 315, inclusive, shall apply to Hazard Reduction Burning.

2. Unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn.

C. If the fire officer with jurisdiction determines that a condition exists in which a fire hazard (or a health officer for a health hazard) will have an imminent affect on life and property, he may waive the requirements of Paragraph B of this Rule, provided that a written report of such burning shall be forwarded to the Air Pollution Control Officer stating why life and property were being threatened requiring such burning and such other information as the Air Pollution Control Officer may reasonably require.

OPEN BURNING ENFORCEMENT

(15.0) Rule 322 Enforcement Responsibility.

The Air Pollution Control Officer or his staff will be in the field to ensure that these Rules and Regulations are complied with and shall enforce all State and Sierra County Air Pollution Control District Regulations regarding air pollution control. See Enforcement Flow Chart on Page .

(15.0) Rule 323 Penalty.

A violation of the provisions of this regulation or of Section 39296.1 or 39299 is a misdemeanor punishable by imprisonment in the County Jail not exceeding six (6) months or by a fine not exceeding five hundred dollars ($500.00), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

(2.0) Rule 405 Separation of Emissions.

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of air contaminants cannot exceed the quantity which would be allowable through a single emission point.

The total emitted quantity of any such contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume through all emission points, unless the person responsible for the source operation establishes, to the Air Pollution Control Officer's satisfaction, the correct total emitted quantity.

(2.0) Rule 406 Combination of Emissions.

A. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible for confirmation and use by the Air Pollution Control District in establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, the Rules and Regulations shall apply to each such source operation separately.

B. If air contaminants from two or more source operations are combined prior to emission and the combined emissions cannot be separated according to the requirements of Rule 406 (A), the Rules and Regulations shall be applied to the combined emissions as if it originated in a single source operation subject to the most stringent limitations and requirements placed by the Rules and Regulations on any of the source operations whose air contaminants are so combined.

(2.0) Rule 407 Circumvention.

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in an actual reduction in the total release of air contaminants to the atmosphere, superficially reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2, of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code, or of Rule 205 of these Rules and Regulations.

(13.0) Rule 408 Source Recordkeeping and Reporting.

The owner or operator of any stationary source, shall, upon notification from the District, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the District to determine whether such source is in compliance with applicable emission limitations or other control measures.

The Air Pollution Control Officer may require that such records be certified by a professional engineer registered in the State of California. Such studies shall be at expense of the person causing the emissions.

The information recorded shall be summarized and reported to the District, on forms or formats as furnished by the District, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31, except that the initial reporting period shall commence on the date the District issues notification of the recordkeeping requirements.

Information reported by the owner or operator and copies of the summarizing reports submitted to the District shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

(14.0) Rule 409 Public Records.

A. All information, analyses, plans or specifications that disclose the nature, extent, quantity or degree of air contaminants or other pollution which any article, machine, equipment or other contrivance will produce which the District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment or other contrivance, are public records.

B. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

C. Except as otherwise provided in (D), trade secrets are not public records under this Regulation. Trade secrets, as used in this Regulation may include, but are not limited to any formula, plan, pattern, process, tool, mechanism, compounds, procedure, production data or compilation of information which is not patented, which is known only to certain individuals within a commerical concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

D. Notwithstanding any other provisions of the law, all air pollution emission data, including those emission data which constitute trade secrets as defined in (C), are public records. Data used to calculate emission data are not emission data for purposes of this subsection and data which constitute trade secrets and which are used to calculate emission data are not public records.

E. Request for trade secrets status shall be made by written application to the Air Pollution Control Officer. The claimant shall declare and justify in writing information he desires to be classified as trade secrets. The Air Pollution Control Officer shall determine whether the information submitted is to be classified as trade secrets subject to the conditions of this rule.

(2.0) Rule 601 Applicable Articles of the Health and Safety Code.

The provisions of Article 5 and Article 6, Chapter 2, Division 20, of the Health and Safety Code of the State of California, respectively entitled Variances and Procedure, are applicable within the boundaries of the Sierra County Air Pollution Control District.

(2.0) Rule 602 General.

The regulation shall apply to all hearings before the Hearing Board of the Sierra County Air Pollution Control District.

(2.0) Rule 603 Filing Petitions.

Request for hearing shall be initiated by the filing of a petition, in triplicate with the clerk of the Hearing Board, one copy of which shall be served on the Air Pollution Control Officer and one copy on the holder of the permit or variance, if any, involved. Service may be made in person or by mail, and service may be proven by written acknowledgement of the person served or by the affidavit of the person making the service.

(2.0) Rule 604 Contents of Petitions.

Every petition shall state:

A. The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

B. Identification of the petitioner as an individual, co-partner, corporation or other entity, and names and addresses of the partners if a co-partnership, names and address of the officers, if a corporation, and the names and addresses of the persons in control, if other entity.

C. The type of business or activity involved in the application and the street address at which it is conducted.

D. A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

E. The section or rule under which the petition is filed:

1. To determine whether a permit shall be revoked. or a suspended permit reinstated under Section 24274, Health and Safety Code;

2. For a variance under Section 24292, Health and Safety Code.

3. To revoke or modify a variance under Section 24298, Health and Safety Code.

4. To review the denial or conditional granting of an authority to construct or permit to operate under Rule 501 of the Rules and Regulations.

F. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.

G. Petitions for revocation of permits shall allege, in addition, the rule under which permit was granted, the rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violations.

H. Petitions for reinstatement of suspended permits shall allege, in addition, the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any was not furnished, whether such information is believed by petitioner to be pertinent, and, if so, when it will be furnished.

I. Petitions for variance under Section 24292, Health and Safety Code, shall contain increments of progress. Increments of progress mean steps toward compliance which will be taken by a specific source, including:

1. Date of submittal of the source's final control plan to the Sierra County Air Pollution Control District.

2. Date by which contracts for emissions control systems or process modifications will be awarded; or date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

3. Date of initiation of on-site construction or installation of emission control equipment or process change;

4. Date by which on-site construction or installation of emission control equipment or process modification is to be completed; and

5. Date by which final compliance is to be achieved.

J. All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) Rule 605 Petitions for Variances.

The Petitions for Variance form, as provided, shall be filled out completely.

(2.0) Rule 606 Appeal from Denial.

A petition to review the denial or conditional approval of a permit shall, in addition to the information required by Rule 604, set forth a summary of the permit application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

(2.0) Rule 607 Failure to Comply with Rules.

The clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to form, filing and service of petitions unless the Chairman of the Hearing Board directs otherwise and confirms such direction in writing. Such direction need not be made at a meeting of the Hearing Board.

(2.0) Rule 608 Answers.

Any person may file an answer within ten (10) days after service. All answers shall be served in the same manner as are petitions under the provisions of Rule 603.

(2.0) Rule 609 Dismissal of Petition.

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) Rule 610 Place of Hearing.

All hearings shall be held at a place designated by the Hearing Board.

(16.0) Rule 611 Notice of Hearing.

The clerk of the Hearing Board, not less than 30 days prior to such hearing, shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, the U.S. Environmental Protection Agency, the California Air Resources Board, each air pollution control district in the Air Basin, and to every person who requests such notice. In addition said notice shall be published in a

newspaper of general circulation in Sierra County. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the hearing, including the variance conditions and increments of progress. (In the event of an extreme emergency that will, or may, threaten the public health or welfare, as determined by the Hearing Board or a petition filed under Rule 604 e(1) and e(4), the above 30 day period may be reduced to 10 days.)

(2.0) Rule 612 Evidence.

A. Oral evidence shall be taken only on oath or affirmation.

B. Each party shall have these rights:

1. To call and examine witnesses;

2. To introduce exhibits;

3. To cross-examine opposing witnesses on any matter relevant to the issues, even though the matter was not covered in the direct examination;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him.

C. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

D. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

E. All evidence, oral or written, and all exhibits, shall be recorded at the time of the hearing and all records shall be maintained for a period of time as specified by law or as determined by the Air Pollution Control Board.

(2.0) Rule 613 Preliminary Matters

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be made by the Chairman of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) Rule 614 Official Notice

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) Rule 615 Continuances.

The Chairman of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) Rule 616 Decision.

The decision shall be in writing,served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issue presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party or by counsel at the hearing.

(2.0) Rule 617 Effective Date of Decision

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in Rule 616 or the Hearing Board may order that the decision shall become effective sooner.

(3.0) Rule 618 Lack of Permit.

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any equipment until a permit has been granted or denied by the Air Pollution Control Officer; except that an appeal from a denial of a permit and a petition for a variance may be filed with the Hearing Board a single petition. A variance granted by the Hearing Board after a denial of a permit by the Air Pollution Control Officer may include a permit for the duration of the variance.

(2.0) Rule 619 Order of Abatement.

The Air Pollution Control Board may, after notice and a hearing, issue, or provide for the issuance by the Hearing Board, after notice and a hearing, of an order for abatement whenever the District finds that any person is in violation of Section 24242 or 24243 or any Rule or Regulation prohibiting or limiting the discharge of air contaminants into the air. The Air Pollution Control Board in holding hearings on the issuance of orders of abatement shall have all powers and duties conferred upon the Hearing Board by Division 20, Chapter 2 of the Health and Safety Code of the State of California. The Hearing Board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by Division 20, Chapter 2 of the Health and Safety Code of the State of California. Any person who intentionally or negligently violates any order of abatement issued by any type of air pollution control district pursuant to Section 24260.5 or by the State Air Resources Board shall be liable for a civil penalty not to exceed six thousand dollars ($6000.00) for each day in which such violation occurs.

(2.0) Rule 620 Severability.

If any provision, clause, sentence, paragraph, section or part of these Regulations or application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Regulation and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved, and it is hereby declared to be the intent of the Sierra County Air Pollution Control Board that these Regulations would have been adopted in any case had such invalid provision of provisions not been included.

(3.0) Rule 17 Construction Permit Required.

Before any building permit may be issued by the County or City for any building other than residential, which involves emissions into the air, approval by the Air Pollution Control District must be first obtained. No construction for use of any building, article, machine, equipment, or other contrivance, which may cause emission of air contaminant shall take place without approval of the Air Pollution Control District.

(3.0) Rule 18 Permit to Operate.

Before any article, machine, equipment or other contrivance described in Rule 17 may be operated or used, a permit shall be obtained from the Air Pollution Control District Office, the Standards and Conditions under which the said article, equipment or other contrivance shall operate.

(3.0) Rule 19 Registration Required.

Registration and/or a permit to operate all existing equipment, contrivances, or places of business that burn or send emissions into the atmosphere is required by _____. Registration shall be made on forms provided by APCD.

(3.0) Rule 20 Exemptions from Permit and Registration.

An authorization to construct, permit to operate, or registration, shall not be required for:

A. Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

B. Vehicles used to transport passengers or freight.

C. Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four (4) families.

D. The following equipment:

1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

3. Piston type internal combustion engines.

4. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

5. Equipment used exclusively for steam cleaning.

6. Presses used exclusively for extruding metals, minerals, plastics or wood.

7. Residential incinerators when used for burning of paper or leaves.

E. Space heaters.

F. Equipment for food preparation.

G. Steam heated by natural gas or LPG or both.

H. Mobile construction equipment other than pavement burners.

I. Agricultural implements used under Rule 2(b).

J. Self-propelled mobile construction equipment other than pavement burners.

(3.0) Rule 21 Standards for Granting Applications and Permits.

A. The Air Pollution Control District shall deny authorization to construct, or permit to operate or permit to sell or rent, except as provided in Rule 21, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contamiants in violation of Sections 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.

B. Before authorization to construct or a permit to operate is granted, the Air Pollution Control District may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authorization to construct or

permit to operate. In the event of such a requirement, the Air Pollution Control District shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform, and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California and the results of any analysis must be signed by an engineer registered in the State of California.

C. In acting upon a Permit to Operate, if the Air Pollution Control District finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authorization to Construct, they shall deny the Permit to Operate. The Air Pollution Control District shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until they find that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authorization to Construct.

(3.0) Rule 22 Conditional Approval.

A. The Air Pollution Control District may issue an authorization to construct or a permit to operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 21, in which case the conditions shall be specified in writing. Commencing work under such an authorization to construct, or operate, under such a permit to operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control District shall issue an authorization to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 21 under the revised conditions.

B. The Air Pollution Control District may issue a permit to sell or rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 21, in which case the conditions shall be specified in writing. Selling or renting under such a permit to sell or rent shall be deemed acceptance of all the conditions so specified. The Air Pollution Control District shall issue a permit to sell or rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 21 under the revised conditions.

(3.0) Rule 23 Denial of Applications.

In the event of denial of authorization to construct, permit to operate, or permit to sell or rent, the Air Pollution Control District shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served. The Air Pollution Control District has complied with the objections specified by the Air Pollution Control District as reasons for denial of the authorization to construct, the permit to operate or the permit to sell or rent.

(3.0) Rule 24 Further Information.

Before acting on an application for authorization to construct, or permit to operate, or permit to sell or rent, the Air Pollution District Officer may require the applicant to furnish further information or further plans or specifications.

(3.0) Rule 25 Applications Deemed Denied.

The applicant may, at his option, deem the authorization to construct, permit to operate, or permit to sell or rent approved if the Air Pollution Control District fails to act on the application within thirty (30) days after filing, or within thirty (30) days after applicant furnished the further information, plans and specifications requested by the Air Pollution Control District, whichever is later.

(3.0) Rule 26 Appeals.

Within ten (10) days after notice by the Air Pollution Control District of denial or conditional approval of an authorization to construct, permit to operate, or permit to sell or rent, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.